

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ANDREW PERRONG, on behalf of himself and others similarly situated,	:	CIVIL ACTION FILE NO. 4:20-cv-40095
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
FIVE STAR VENTILATION, INC. and CURTIS PERRY	:	
	:	
Defendants.	:	

**MOTION FOR CLERK'S ENTRY
OF DEFAULT AGAINST DEFENDANTS**

COMES NOW Plaintiff Andrew Perrong, pursuant to Fed. R. Civ. P. 55(a), hereby files this Motion for Clerk's Entry of Default against both defendants in the above-styled action. Mr. Perrong respectfully requests that the Clerk of Court enter default as the defendants have failed to serve or file an answer to Plaintiff's claims in this action within the time permitted by law or otherwise.

Federal Rule of Civil Procedure 12(a), entitled "Time to Serve a Responsive Pleading," provides in pertinent part that "[a] defendant must serve an answer within 21 days after being served with the summons and complaint." See Fed. R. Civ. P. 12(a)(1)(A)(i). Federal Rule of Civil Procedure 55(a), entitled "Entering a Default," provides that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." See Fed. R. Civ. P. 55(a) (emphasis added).

Here, the Plaintiff filed his Complaint on July 28, 2020. *See* ECF No. 1. Five Star Ventilation, Inc. was served on August 5, 2020 and did not file a response. The Plaintiff filed a

First Amended Complaint on September 16, 2020 also naming Mr. Curtis Perry. Mr. Perry was served on September 17, 2020. *See* ECF No. 7. However, Mr. Perry did not file a responsive pleading. Accordingly, the Plaintiff requests that the Clerk enter the Defendants' default pursuant to Fed. R. Civ. P. 55(a).

CONCLUSION

WHEREFORE, for the reasons set forth herein, the Plaintiff respectfully requests that the Clerk of Court enter default against the defendants pursuant to Fed. R. Civ. P. 55(a).

Dated: October 24, 2020

PLAINTIFF,

By:

/s/ Anthony I. Paronich
Anthony I. Paronich
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CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2020 I filed the foregoing with the Clerk of the Court using the CM/ECF system.

/s/ Anthony I. Paronich
Anthony I. Paronich